

Case 3:07-cv-01516-HU Document 54 Filed 09/30/08 Page 1 of 2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BOYDS COFFEE COMPANY,

Plaintiff,

V.

**COWBOY BOYD'S, LLC, a Missouri
Limited Liability Company,**

Defendant.

Civil No. 07-1516-HU

ORDER

Peter E. Heuser
Elizabeth Hartwell, PC
KOLISCH HARTWELL, PC
520 S.W. Yamhill Street, Suite 200
Portland, OR 97204

Attorneys for Plaintiff

Annette P. Heller
HELLER & ASSOCIATES
14323 S. Outer Forty, Suite 512 S
Town & County, MO 63017

Mary Ellen Page Farr
0324 S.W. Abernethy Street
Portland, OR 97239

Attorneys for Defendant

JONES, Judge:


Magistrate Judge Dennis James Hubel filed Amended Findings and Recommendation (#52) on July 14, 2008, in the above entitled case. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Defendant has timely filed objections. I have, therefore, given de novo review of Magistrate Judge Hubel's rulings.

I find no error. Accordingly, I ADOPT Magistrate Judge Hubel's Amended Findings and Recommendation (#52) dated July 14, 2008, in its entirety. Defendant's motion (#14) to dismiss or in the alternative to transfer venue is DENIED. Boyd's motion (#40) for leave to supplement its complaint is DENIED AS MOOT.

IT IS SO ORDERED.

DATED this 30th day of September, 2008.



ROBERT E. JONES
United States District Judge